

REMARKS

Pursuant to the non-final Office Action mailed April 10, 2009, the Request for Continued Examination (RCE) as previously filed January 5, 2009 has been entered. Claims 1-8 and 10-20 have been rejected by the present Office Action. Claims 9 and 21 were cancelled by prior response. After entry of the present amendment, Claims 1-8 and 10-20 remain pending in the application. A Petition for (Three Month) Extension of Time and fee are concurrently filed with this paper. The present amendment amends independent claims 1, 11, and 12, and dependent claims 13 and 15, to clarify the scope of the claimed inventions. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-8, 10-15, and 17-19 were rejected under 35 U.S.C. §103(a) as being obvious over Muftic, U.S. Patent 5,850,442 (“*Muftic*”) in view of General Instrument’s “Digital Interactive Cable TV Set-Top Terminals To Become the Latest New Acceptance Device for Smart Cards”, December 10, 1998, page 1 (“*PR Newswire*”), and Ellis Booker, “New System A Welcome Guest at Hyatt”, ComputerWorld, volume 25, issue 28, July 15, 1991, pages 51-53 (“*Booker*”). Claims 4, 16, and 20 were rejected as being obvious over *Muftic* in view of *PR Newswire*, *Booker*, and Athing, U.S. Patent 5,987,498 (“*Athing*”).

By the present amendment and response, independent claims 1, 11, and 12 have been amended to clarify the scope of the claimed inventions of claims 1, 11, and 12. In particular, claim 1 has been amended to clarify that the claimed invention of claim 1 can include the elements “wherein the transaction device processes a charge card, a credit card, or a debit card, wherein the web server includes commands for processing transaction information associated with the transaction card to obtain authorization from the merchant service provider for the transaction; entering the transaction card into a card reader of the transaction device in order to enter transaction information associated with the transaction card into the web server during the transaction; and entering confirmation of a previously entered transaction dollar value in response to a prompt from the web server, wherein confirmation of the previously entered transaction dollar value is entered via at least one data entry device; wherein the transaction

device does not utilize any merchant service provider proprietary software or any merchant service provider proprietary network for the transaction information and previously entered transaction dollar value to be processed to obtain authorization from the merchant service provider for the transaction” (underlining supplied). Independent claims 11 and 12 have been similarly amended.

These amendments are fully supported by the Applicant’s specification at least at pages 4, lines 19-21, and page 6, lines 19-28 which state that:

The card reader 14 is preferably configured to read magnetic strip cards as well as smart cards so that the terminal 10 can accommodate all types of charge cards, credit cards, debit cards, and the like.

At step 106, the web page and/or web server may then prompt consumer and/or merchant for additional transaction information, or confirmation of transaction information already submitted to the web page and/or web server, by displaying suitable requests on the display device 18. For example, the web page and/or web server may request confirmation of a transaction dollar value that was previously entered into the terminal 10 or into a cash register or similar device that is in communication with the terminal 10. The consumer and/or merchant may then enter additional transactional information into the web page and/or web server using the keypad 16, touch-sensitive screen 22 and/or data entry device, as indicated at step 108.

Neither *Muftic*, *PR Newswire*, or *Booker* disclose or suggest these amended elements. For example, the amended element “wherein the transaction device processes a charge card, a credit card, or a debit card” is neither disclosed or suggested by the cited references. *Muftic* appears to relate only to smart cards or PCMCIA cards (*see* Col. 1, lines 18-22); *PR Newswire* appears to relate only to smart cards (*see* first sentence, first paragraph); and *Booker* appears to omit any reference to any type of charge card, credit card, or debit card. Even *Athing*, U.S.

Patent 5,987,498, cited by the Decision on Appeal against dependent claim 17 of the Applicants' application appears to only relate to credit cards (*see* FIGs. 5, 11, and 20).

The Office Action readily admits that "Muftic does not explicitly state that the transaction device [in *Muftic*] can process a charge card, credit cards and debit cards". Instead, the Office Action merely asserts that "smartcards such as charge cards, credit cards and debit cards (bank cards or credit cards) are old and well known in the art (see col. 4, lines 47-65)." A careful reading of the cited passage from *Muftic* and the entirety of *Muftic* appears to show that while *Muftic* explains in the Background section that "Credit cards are also well known in the art", the disclosure of *Muftic* only relates to smart cards and related smart card transaction devices rather than charge cards, credit cards, or debit cards. In particular, *Muftic* limited the type of cards and card reader used with the invention in FIG. 3 and col. 10, lines 29-35 as follows:

...In addition, the computer is equipped with card reader 350 which will both read and write smart tokens such as smart cards or PCMCIA cards. Preferably, the cards are smart cards and card readers both read/write smart cards. Although the term "reader" is used, it is to be understood that the term, as used herein, is intended to cover the writing of smart tokens as a necessary and inherent part of a "reader"...

Although the Office Action asserts it would have been obvious to have modified *Muftic* by incorporating the ability to process charge cards, credit cards, and debit cards, *Muftic* teaches away from the use of such cards and limited his disclosure to smart cards and related smart card transaction devices.

Furthermore, the Applicants' amended claim elements "entering confirmation of a previously entered transaction dollar value in response to a prompt from the web server, wherein confirmation of the previously entered transaction dollar value is entered via at least one data entry device; wherein the transaction device does not utilize any merchant service provider proprietary software or any merchant service provider proprietary network for the transaction information and previously entered transaction dollar value to be processed to obtain

authorization from the merchant service provider for the transaction” are neither disclosed nor suggested by the cited references. While *Muftic*, *PR Newswire*, and *Booker* appear to relate to various types of open networks or standards and / or nonproprietary wide area networks for use with smart cards and reservation systems, none of these references specifically disclose the amended elements “entering confirmation of a previously entered transaction dollar value in response to a prompt from the web server, wherein confirmation of the previously entered transaction dollar value is entered via at least one data entry device; wherein the transaction device does not utilize any merchant service provider proprietary software or any merchant service provider proprietary network for the transaction information and previously entered transaction dollar value to be processed to obtain authorization from the merchant service provider for the transaction”. The combination of the cited references would not suggest the amended element since *Booker* relates to reservation and database systems rather than card transaction systems. *Booker* relates to the use of a nonproprietary wide area network for reservation and database systems, and such a network is not mentioned as being suitable for card transactions, which is the subject of the Applicant’s claimed inventions.

At most, page 6 of Office Action cites *Muftic*, col. 14, lines 37-58 as disclosing the element “entering (fills in) additional transaction information (electronic ID of the seller and the amount) into the web server via the transaction device (computer)”. However, in *Muftic*, the entry of the “amount” 1620 is only performed as part of a “Make_Purchase” process using a credit card domain of a smart token. There does not appear to be any disclosure or suggestion of a previous entry of the amount by way of reading a smart card or smart token, and the entry of the amount in *Muftic* appears to be the initial entry of an amount associated with making a purchase. Even if entry of the amount in *Muftic* is a confirmation of a previously entered amount, there is no disclosure or suggestion by *Muftic* that the “transaction device does not utilize any merchant service provider proprietary software or any merchant service provider proprietary network for the transaction information and previously entered transaction dollar value to be processed to obtain authorization from the merchant service provider for the transaction”. Based on the foregoing, each and every element of Applicants’ amended claims 1, 11, and 12 has not been disclosed or suggested by the cited references, either alone or in any combination with each other.

For at least the reasons provided above, amended independent claims 1, 11, and 12 are believed to be allowable over the cited references.

Dependent claims 2-8, 10, and 13-20 are ultimately dependent from at least one of amended independent claims 1, 11, or 12, for which arguments of patentability have been presented above, and if the independent claims are allowable over the cited references, the corresponding dependent claims should also allowable over the cited references.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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